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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,587	11/12/2003	Alfred Multerer	91136.000003	6679

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EXAMINER
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TRAN, KHOI H

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 07/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/706,587

Applicant(s)

MULTERER, ALFRED

Examiner

Khoi H Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**KHOI H. TRAN**  
**PRIMARY EXAMINER**

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims.

The adjustable cantilever suspension must be shown or the feature canceled from the claim 3.

The transporting device and holding device must be shown or the feature canceled from the claims 6, 9, 10, and 13-15.

No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The original specification does not provide any structural support for the claimed function that the cantilever suspension is adjustable. One of ordinary skill in the art would not be able to ascertain how the cantilever suspension can be adjusted.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Horton 2,704,038.

Horton '038 discloses a device for transporting objects and/or people per claimed invention. The device comprises a driving station having a single driving wheel 5 for

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driving a rope/cable 13 (Figures 1 and 2). The device comprises a deflection station having a single deflecting pulley 15. Both of the driving wheel and deflection pulley are vertically arranged to rotate around horizontal axis. The device comprises transporting device and holding device arranged at the rope.

6. Claims 1 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Remington 5,224,425.

Remington '425 discloses a device for transporting objects and/or people per claimed invention. The device comprises a driving station having a single driving wheel for driving a rope/cable (Figure 3, column5, lines 65-68). The device comprises a deflection station located at the opposite end of the driving station having a single deflecting pulley. Both of the driving wheel and deflection pulley are vertically arranged to rotate around horizontal axis. The device comprises transporting device and holding device arranged at the rope.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Stecker 3,338,180.

Stecker '180 discloses a device for transporting objects and/or people per claimed invention. The device comprises a driving station having a single driving wheel 23 for driving a rope/cable 10 (Figures 1 and 3). The device comprises a deflection station having a single deflecting pulley 9. Both of the driving wheel and deflection pulley are vertically arranged to rotate around horizontal axis.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Peck 3,810,427.

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Peck '427 discloses a device for transporting objects and/or people per claimed invention. The device comprises a driving station having a single driving wheel 36 for driving a rope/cable 50 (Figures 1 and 3). The device comprises a deflection station having a single deflecting pulley 42. Both of the driving wheel and deflection pulley are vertically arranged to rotate around horizontal axis.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horton 2,704,038.

In regards to claims 7 and 8, Horton '038 discloses all elements per claimed invention as explained above. However it is silent as to the specifics of diameter size of the driving wheel and/or the deflection pulley being at least 1 meter or 1.5 meters. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide such diameter dimensions for Horton '038 wheel/pulley, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

11. Claims 2-6 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horton 2,704,038 in view of Macrow et al. 674,651 or in view of Seldin 2,536,575.

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In regards to claim 2, Horton '038 discloses all elements per claimed invention as explained above. However it is silent as to the specifics of the driving wheel or deflection pulley being mounted cantilever.

Macrow '651 and Seldin '575 show that it is commonly well known for pulleys to be mounted cantilever for support thereof.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have mounted Horton '038 drive wheel or deflection pulley in a cantilever manner because it facilitates another mounting and supporting means for the wheel and pulley system, as taught by Macrow '651 and Seldin '575.

In addition, the limitation of the drive wheel and deflection pulley being mounted cantilever presents no novel or unexpected result over the mount provided in Horton '038. Use of such a cantilever support means in lieu of the one used in the Horton '038 provides no stated problem and would be an obvious matter of mounting design choice within the skill of the art. In re Launder, 42 CCPA 886, 222 F .2d 317, 105 USPQ 446 (1955).

In regards to claims 4, Horton '038 discloses all elements per claimed invention as explained above. However it is silent as to the specifics of diameter size of the driving wheel and/or the deflection pulley being at least 1 meter and at least 60 times larger than the diameter of the rope/cable. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide such relative dimension between the wheel/pulley and the rope/cable, since it has been held

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that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F .2d 272, 205 USPQ 215 (CCPA 1980).

In regards to claims 5, 11, and 12, Horton '038 discloses all elements per claimed invention as explained above. However it is silent as to the specifics of diameter size of the driving wheel and/or the deflection pulley being at least 1 meter or 1.5 meters. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to provide such diameter dimensions for Horton '038 wheel/pulley, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. In re Boesch, 617 F .2d 272, 205 USPQ 215 (CCPA 1980).

### ***Conclusion***

12. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO Form 892.

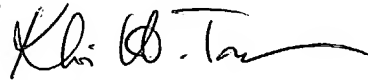
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran  
Primary Examiner  
Art Unit 3651

KHT  
07/15/2004